FEDERAL REGISTER

VOLUME 5 NUMBER 69

Washington, Tuesday, April 9, 1940

The President

MODIFYING THE GRAND CANYON NATIONAL MONUMENT—ARIZONA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS it appears that certain lands within the Grand Canyon National Monument in the State of Arizona, established by Proclamation of December 22, 1932 (47 Stat. 2547) are not necessary for the proper care and management of the objects of scientific interest situated on the lands within the said monument; and

WHEREAS it appears that it would be in the public interest to exclude such lands from the said national monument:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, c. 3060, 34 Stat. 225 (U.S.C. title 16, sec. 431), do proclaim that the following-described lands in the State of Arizona, be and they are hereby, excluded from the Grand Canyon National Monument:

Gila and Salt River Meridian—Arizona

T. 35 N., R. 4 W., secs. 7, 8, 9, W½ sec. 10, W½ sec. 15, secs. 16 to 21, inclusive, and W½ sec. 22 (unsurveyed);
T. 35 N., R. 5 W., secs. 7 to 24, inclusive (unsurveyed);
T. 35 N., R. 6 W., secs. 7 to 24 inclusive;
T. 34 N., R. 7 W., secs. 3 to 9, W½ sec. 10, secs. 16 to 21, inclusive, W½ sec. 28, secs. 29 to 32, inclusive, and W½ sec. 33;
T. 35 N., R. 7 W., secs. 7 to 24, inclusive, W½ NE¼, NW¼, N½ SW¼ sec. 27, secs. 28 to 33, inclusive;
T. 34 N., R. 8 W., secs. 1 to 3, inclusive, SE¼ sec. 4, E½ sec. 9, secs. 10 to 16 and 21 to 24, inclusive;
T. 35 N., R. 8 W., E½ sec. 11, secs. 12, 13, E½ sec. 14, E½ sec. 23, secs. 24, 25, E½ sec. 26, S½ sec. 34, NE¼, S½ sec. 35 and sec. 36; aggregating approximately 71,854 acres.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 4'' day of April, in the year of our Lord nineteen hundred and forty, and [SEAL] of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
The Secretary of State.

[No. 2393]

[F. R. Doc. 40–1409; Filed, April 6, 1940; 10:45 a. m.]

EXECUTIVE ORDER

RESTORING CERTAIN LAND TO THE USE OF THE TERRITORY OF HAWAII AND SETTING ASIDE CERTAIN LAND IN LIEU THEREOF FOR MILITARY PURPOSES OF THE UNITED STATES

WHEREAS a tract of land near Puolo Point, Hanapepe, Island of Kauai, Territory of Hawaii, containing 84.40 acres, was set aside for military purposes of the United States by Presidential Executive Order No. 4760, dated November 15, 1927; and

WHEREAS by Presidential Executive Order No. 5405, dated July 25, 1930, all of the land previously set aside for military purposes of the United States by the said Presidential Executive Order No. 4760 was restored to the use of the Territory of Hawaii for aeronautical purposes, with the exception of an area of 5.994 acres which was set apart for military purposes of the United States, and an area of 0.370 acres reserved as a 30-foot roadway for the United States Lighthouse Service, and for other purposes; and

WHEREAS an adjustment of the boundary of the areas at Hanapepe, Island of Kauai, Territory of Hawaii, operated separately by the Territory of Hawaii as "Port Allen Airport" and by the War Department for military purposes of the United States, requires the restoration to the use of the Territory

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FEDERAL REGISTER

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of Hawaii for aeronautical purposes of the area of 5.994 acres reserved for military purposes of the United States by Presidential Executive Order No. 5405, dated July 25, 1930, and the reservation in lieu thereof of an area of 17.82 acres for military purposes of the United States:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of Congress approved April 30, 1900, 31 Stat. 141, 159, as amended by section 7 of the act of Congress approved May 27, 1910, 36 Stat. 443, 447, it is ordered (1) that the said tract of land containing 5.994 acres, described in Presidential Executive Order No. 5405, dated July 25, 1930, as "Area retained for military purposes" (and not including or affecting the area embracing 0.37 of an acre reserved for the use of the United States Lighthouse Service by the said Executive Order No. 5405 as a 30-foot roadway, and for other purposes), be, and it is hereby, restored to the use of the Territory of Hawaii for aeronautical purposes, and (2) that the tract of land situate near Puolo Point, adjoining Port Allen Airport, Hanapepe, Island of Kauai, Territory of Hawaii, containing 17.82 acres, be, and it is hereby, set aside for military purposes of the United States, said tract of land being more particularly described as follows:

Being a portion of the United States Military Reservation described in Presidential Executive Order 5405, dated July 25, 1930, a portion of Port Allen Airport described in the Governor's Executive Orders No. 330, dated April 14, 1928, and No. 431, dated September 18, 1930, and a portion of the Territorial land of Hanapepe.

Beginning at the West corner of this parcel of land, and on the South side of Hawaiian Sugar Company's railroad right-of-way, sixty (60) feet wide, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUOLO" being 2949.47 feet North and 1007.07 feet East, as shown on Government Survey Registered Map 2701, and running by azimuths measured clockwise from true South:

258°50'00" 564.45 feet along the South side of Hawaiian Sugar Company's railroad right-of-way (General Lease 1343);

Thence on a curve of said right-of-way to the left with a radius of 527.20 feet, along same, the chord azimuth and distance being 245°38'45" 240.55 feet;

232°27'30" 629.83 feet along the South side of said right-of-way;

2°54'30" 28.30 feet along the Northwest side of the right-of-way of the proposed Airport Road, along Territorial land;

Thence along same on a curve to the right with a radius of 1402.43 feet, along Territorial land and remaining portion of Port Allen Airport (Governor's Executive Order 330, dated April 14, 1928), the chord azimuth and distance being 24°03'45" 1012.21 feet;

45°13'00" 157.31 feet along the Northwest side of the right-of-way of the proposed Airport Road along remaining portion of Port Allen Airport (Governor's Executive Orders 330, dated April 14, 1928, and 431, dated September 18, 1930);

40°39'00" 126.18 feet along the Northwest side of the right-of-way of the proposed Airport Road along the remaining portion of Port Allen Airport (Governor's Executive Order 431, dated September 18, 1930) to a point on the northeast boundary of the United States Military Reservation (Presidential Executive Order No. 5405, dated July 25, 1930);

23°32'30" 170.07 feet;

57°08'00" 98.36 feet;

147°08'00" 70.00 feet;

57°08'00" 200.00 feet to a point on the southwest boundary of the United States Military Reservation (Presidential Executive Order No. 5405, dated July 25, 1930);

147°08'00" 130.00 feet along the line between the United States Military Reservation (Presidential Executive Order No. 5405, dated July 25, 1930) and the remaining portion of Port Allen Airport (Governor's Executive Order 431, dated September 18, 1930);

161°41'00" 754.87 feet along the remaining portion of Port Allen Airport (Governor's Executive Order 330, dated April 14, 1928) and Territorial land to the point of beginning.

The tract as described contains an area of 17.82 acres, more or less, 1.546 acres of which are included within the boundary of the military reservation set aside by the said Presidential Executive Order 5405, dated July 25, 1930, and is shown on map C. S. F. No. 8933, entitled "Proposed U. S. Military Reservation, Hanapepe, Kona, Kauai," dated January 16, 1939, and prepared by the Survey Department of the Territory of Hawaii, a copy of which is on file in the Office of the Quartermaster General, War Department, Washington, D. C.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
April 5, 1940.

[No. 8388]

[F. R. Doc. 40–1410; Filed, April 6, 1940; 10:54 a. m.]

Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 3469]

IN THE MATTER OF PATCH PREMEK CORPORATION, ET AL.

§ 3.6 (j10) *Advertising falsely or misleadingly—History of product:* § 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce,

etc., directly or indirectly, purchase in commerce, etc., of respondents' "Premek 33" and "C. S. 53", or other similar preparation, which advertisements represent, directly or through implication, that said product or preparation is a cure or remedy for eczema, athlete's foot, prickly heat, insect bites, dandruff, and various other ailments and conditions, as in said order specified, or constitutes a competent or effective treatment for any of them, other than as serving as an accessory treatment for those which are due to superficial or external causes only, or which advertisements represent, directly or through implication, that said preparation is a bactericide or that it will prevent reinfection, or that use thereof will stop perspiration or prevent body odors, or that said preparation constitutes a "new" or an "amazing" discovery, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec 45b) [Cease and desist order, Patch Premek Corporation, et al., Docket 3469, March 29, 1940]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of March, A. D. 1940.

Commissioners: Ewin L. Davis, Chairman; Garland S. Ferguson, Charles H. March, William A. Ayres, Robert E. Freer.

IN THE MATTER OF PATCH PREMEK CORPORATION, A CORPORATION, AND H. K. PATCH, AN INDIVIDUAL, TRADING AS H. K. PATCH COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the amended and supplemental complaint of the Commission and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said amended and supplemental complaint, with one exception therein specified, and state that they waive all intervening procedure and further hearing as to the facts, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents Patch Premek Corporation, a corporation, and its officers, and H. K. Patch, individually and trading as H. K. Patch Company, or trading under any other name or names, their respective representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Disseminating, or causing to be disseminated, any advertisement by means of United States mails or in commerce, as "commerce" is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of a medicinal preparation now designated as "Premek 33" and "C. S. 53" or any other preparation composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same name or under any other name or names, or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said medicinal preparation, which advertisements represent, directly or through implication;

(1) That said preparation is a cure or remedy for eczema, athlete's foot, dhobie or barber's itch, jock strap itch, prickly heat, insect bites, dermatitis herpetiformis, skin irritations or rashes, pimples, chafing, shingles, ringworm or epidermophytosis, impetigo, acne, pruritus, aching feet, soft corns, dandruff, eczema of the scalp or furnuculosis of the ear canal, or that said preparation constitutes a competent or effective treatment for any of said ailments or conditions other than to serve as an accessory treatment for those which are due to superficial or external causes only;

(2) That said preparation is a bactericide or that it will prevent reinfection;

(3) That the use of said preparation will stop perspiration or prevent body odors;

(4) That said preparation is a "new" or an "amazing" discovery.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] JOE L. EVINS, *Acting Secretary.*

[F. R. Doc. 40-1414; Filed, April 6, 1940; 11:08 a. m.]

[1] 3 F.R. 2266.

[Docket No. 3513]

IN THE MATTER OF MADAME MARGUERITE TURMEL, INC., ETC.

§ 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondent's "Knogray" or other similar cosmetic preparation, that said product or preparation will color the roots of the hair or have any effect thereon, or on new hair growth, or will restore the natural or original color to the hair, or will affect the color of the hair in any way other than as a dye, or that it is not a dye or is anything other than a dye, or that anything less than repeated applications of said preparation will cause the hair to retain the color imparted to it by said preparation, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Madame Marguerite Turmel, Inc., etc., Docket 3513, March 28, 1940]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of March, A. D. 1940.

Commissioners: Ewin L. Davis, Chairman; Garland S. Ferguson, Charles H. March, William A. Ayres, Robert E. Freer.

IN THE MATTER OF MADAME MARGUERITE TURMEL, INC., A CORPORATION, DOING BUSINESS UNDER ITS OWN NAME AND ALSO IN THE TRADE NAMES OF MADAME MARGUERITE TURMEL AND MADAME TURMEL.

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in the complaint, and states that it waives all intervening procedure and further hearing as to the facts, and the Commission having made its findings as to the facts and its conclusion that respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Madame Marguerite Turmel, Inc., a corporation, trading as Madame Marguerite Turmel and as Mademe Turmel, or trading under any other name or names, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its cosmetic preparation designated "Knogray" or any other cosmetic preparation composed of substantially similar ingredients or possessing substantially similar properties, whether sold under that name or any other name or names, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that said preparation will color the roots of the hair or have any effect thereon or on new hair growth, or will restore the natural or original color to the hair, or will affect the color of the hair in any way other than as a dye;

2. Representing that said preparation is not a dye or is anything other than a dye;

3. Representing that anything less than repeated applications of said prep-

[1] 3 F.R. 2522.

aration will cause the hair to retain the color imparted to it by said preparation.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 40-1415; Filed, April 6, 1940; 11:08 a. m.]

[Docket No. 3602]

IN THE MATTER OF VALLIGNY PRODUCTS, INC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondent's "Shampoo-Kolor" or other similar cosmetic preparation, that said product or preparation will color the roots of the hair or have any effect thereon or on new hair growth, or will restore the natural or original color to the hair, or will affect the color of the hair in any way other than as a dye, or that anything less than repeated applications of said preparation will cause the hair to retain the color imparted to it by said preparation, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Valligny Products, Inc., Docket 3602, March 30, 1940]

§ 3.6 (j10) *Advertising falsely or misleadingly—History of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:* § 3.6 (ff10) *Advertising falsely or misleadingly—Unique nature or advantages.* Representing, in connection with offer, etc., in commerce, of respondent's "Shampoo-Kolor" or other similar cosmetic preparation, that said product or preparation is compounded or manufactured in France or in any country other than the United States, or that it is "unique" or "revolutionary" in methods or results, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Valligny Products, Inc., Docket 3602, March 30, 1940]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of March, A. D. 1940.

Commissioners: Ewin L. Davis, Chairman; Garland S. Ferguson, Charles H. March, William A. Ayres, Robert E. Freer.

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in the complaint, and states that it waives all intervening procedure and further hearing as to the facts, and the Commission having made its findings as to the facts and its conclusion that respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Valligny Products, Inc., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its cosmetic preparation designated "Shampoo-Kolor", or any other cosmetic preparation composed of substantially similar ingredients or possessing substantially similar properties, whether sold under that name or any other name or names, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that said preparation will color the roots of the hair or have any effect thereon or on new hair growth, or will restore the natural or original color to the hair, or will affect the color of the hair in any way other than as a dye;

2. Representing that anything less than repeated applications of said preparation will cause the hair to retain the color imparted to it by said preparation;

3. Representing that said preparation is compounded or manufactured in France or in any country other than the United States:

4. Representing that said preparation is "unique" or "revolutionary" in methods or results.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 40-1416; Filed, April 6, 1940; 11:09 a. m.]

[Docket No. 3789]

IN THE MATTER OF CONSOLIDATED SILVER COMPANY OF AMERICA

§ 3.69 (a) (3.5) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans.* Representing, in connection with offer, etc., in commerce, of silverware or of sales promotional plans, including sales cards, gift cards, premium certificates or coupons redeemable in silverware or other articles of merchandise, (1) that the respondent is a representative of, or has any connection with, the manufacturer of Wm. A. Rogers silverware, or (2) that the respondent is conducting any special campaign or advertising campaign to introduce or advertise any articles of merchandise on behalf of the manufacturer Wm. A. Rogers silverware or on behalf of any other manufacturer or concern, prohibited; subject to the provision, however, that first prohibition shall not be construed to prohibit the respondent from dealing in such silverware. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Consolidated Silver Company of America, Docket 3789, March 29, 1940]

§ 3.69 (b) (16.4) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions.* Representing to purchasers of respondent's sales promotional plans or to their customers, in connection with offer, etc., in commerce, of silverware or of sales promotional plans, including sales cards, gift cards, premium certificates or coupons redeemable in silverware or other articles of merchandise, that sales cards, gift cards, premium certificates or other similar devices can be redeemed in silverware or other merchandise unless and until all the terms and conditions of such offer are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with such offer and there is no deception as to the price to be paid in connection with the obtaining of such silverware or other articles of merchandise, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C. Supp. IV, sec. 45b) [Cease and desist order, Consolidated Silver Company of America, Docket 3789, March 29, 1940]

§ 3.69 (b) (15) *Misrepresenting oneself and goods—Goods—Refunds:* § 3.69 (b) (16.4) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans:* §3.72 (k15) *Offering deceptive inducements to purchase—Returns and reimbursements:* §3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions.* Representing, in connection with offer, etc., in commerce, of silverware or of sales promotional plans, including sales cards, gift cards, premium certificates or coupons redeemable in silverware or other articles of merchandise, that respondent will refund any sum of money to dealers purchasing said sales cards, gift cards, premium certificates or other

[1] 3 F.R. 2711.

and similar devices on the redemption of a specified number of cards or certificates when such refund is not actually made, prohibited; subject to further provision that if there are any conditions connected with such refund such conditions must be clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with such offer of refund in such a manner that there is no deception as to such conditions. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Consolidated Silver Company of America, Docket 3789, March 29, 1940]

§ 3.69 (b) (4) *Misrepresenting oneself and goods—Goods—Free goods:* § 3.69 (b) (16.4) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.72 (e) *Offering deceptive inducements to purchase—Free goods:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions.* Representing, in connection with offer, etc., in commerce, of silverware or of sales promotional plans, including sales cards, gift cards, premium certificates or coupons redeemable in silverware or other articles of merchandise, that respondent will give silverware or other merchandise free, when such silverware or other merchandise is not actually given free, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Consolidated Silver Company of America, Docket 3789, March 29, 1940]

§ 3.69 (b) (16.4) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.69 (b) (16.6) *Misrepresenting oneself and goods—Goods—Undertakings, in general:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.72 (l) *Offering deceptive inducements to purchase—Sales assistance:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions:* § 3.72 (p) *Offering deceptive inducements to purchase—Undertakings, in general.* Representing, in connection with offer, etc., in commerce, of silverware or of sales promotional plans, including sales cards, gift cards, premium certificates or coupons redeemable in silverware or other articles of merchandise, that respondent will advertise his sales promotional plan locally for dealers purchasing plan or that respondent will assist such dealers in putting such plan into operation, when in fact respondent does not conduct such advertising and render such assistance, or representing that respondent will supply dealers purchasing his said sales promotional plan with display sets of silverware or other merchandise for use in putting such plan into operation, when respondent does not supply such display sets as represented, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Consolidated Silver Company of America, docket 3789, March 29, 1940]

United State of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of March, A. D. 1940.

Commissioners: Ewin L. Davis, Chairman; Garland S. Ferguson, Charles H. March, William A. Ayres, Robert E. Freer.

IN THE MATTER OF WILLIAM M. IRVINE, TRADING AS CONSOLIDATED SILVER COMPANY OF AMERICA

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Webster Ballinger, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, brief on behalf of the Commission in support of the complaint, (respondent not having filed brief and oral argument now having been requested,) and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, William M. Irvine, trading as Consolidated Silver Company of America, or trading under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of silverware or of sales promotional plans, including sales cards, gift cards, premium certificates or coupons redeemable in silverware or other articles of merchandise, do forthwith cease and desist from:

(1) Representing that the respondent is a representative of, or has any connection with, the manufacturer of Wm. A. Rogers Silverware: *Provided, however*, That this order shall not be construed to prohibit the respondent from dealing in such silverware;

(2) Representing that the respondent is conducting any special campaign or advertising campaign to introduce or advertise any article of merchandise on behalf of the manufacturer of Wm. A. Rogers silverware or on behalf of any other manufacturer or concern;

(3) Representing to purchasers of respondent's sales promotional plans, or to their customers, that sales cards, gift cards, premium certificates, or other similar devices can be redeemed in silverware or other merchandise unless and until all the terms and conditions of such offer are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with such offer and there is no deception as to the price to be paid in connection with the obtaining of such silverware or other articles of merchandise;

(4) Representing that respondent will refund any sum of money to dealers purchasing said sales cards, gift cards, premium certificates or other and similar devices on the redemption of a specified number of cards or certificates when such refund is not actually made, and if there are any conditions connected with such refund such conditions must be clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with such offer of refund in such a manner that there is no deception as to such conditions;

(5) Representing that respondent will give silverware or other merchandise free, when such silverware or other merchandise is not actually given free;

(6) Representing that respondent will advertise his sales promotional plan locally for dealers purchasing such plan or that respondent will assist such dealers in putting such plan into operation, when in fact respondent does not conduct such advertising and render such assistance;

(7) Representing that respondent will supply dealers purchasing respondent's sales promotional plan with display sets of silverware or other merchandise for use in putting such plan into operation, when respondent does not supply such display sets as represented.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] JOE L. EVINS, *Acting Secretary.*

[F. R. Doc. 40-4017; Filed, April 6, 1940; 11:09 a. m.]

[1] 4 F.R. 2459.

TITLE 29—LABOR

CHAPTER IV—CHILDREN'S BUREAU

[Regulation No. 1-G]

CHILD LABOR

EXTENSION OF TEMPORARY CERTIFICATES OF AGE REGULATION

APRIL 5, 1940.

Authority for Regulation

By virtue of and pursuant to the authority conferred by section 3 (l) and

section 11 (b) of the Fair Labor Standards Act of 1938[1] the following regulation is hereby issued for the purpose of extending the effective period of Child Labor Regulation No. 1–A, entitled "Temporary Certificates of Age," as amended by Child Labor Regulations Nos. 1–B, 1–C, 1–D, 1–E, and 1–F.

Regulation

Child Labor Regulation No. 1–A, entitled "Temporary Certificates of Age," issued October 14, 1938,[2] as amended by Child Labor Regulations Nos. 1–B, 1–C, 1–D, 1–E, and 1–F,[3] is hereby amended by extending the effective period for the acceptance of temporary certificates of age, as provided in Child Labor Regulation No. 1–A, for an additional period of 90 days, that is until July 22, 1940.

[SEAL] KATHARINE F. LENROOT,
Chief.

[F. R. Doc. 40–1430; Filed, April 8, 1940; 11:42 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER 1—MONETARY OFFICES

[1940–Department Circular No. 1]

PART 129—VALUES OF FOREIGN MONEYS

APRIL 1, 1940.

§ 129.3 *Calendar year 1940.* (b) *Quarter beginning April 1, 1940.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates[4] by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning April 1, 1940, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate, as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

[SEAL] D. W. BELL,
Acting Secretary of Treasury.

Values of Foreign Monetary Units (at Par as Regards Gold Units; Nongold Units Have No Fixed Par With Gold)

Country	Monetary unit	Value in terms of U. S. money	Remarks
Argentine Republic	Peso	$1.6335	Given valuation is of gold peso. Paper nominally convertible at 44% of face value. Conversion suspended Dec. 16, 1929.
Australia	Pound	8.2397	Control of gold stocks and exports authorized Dec. 17, 1929.
Belgium	Belga	.1695	By decree of Mar. 31, 1936. One belga equals 5 Belgian francs.
Bolivia	Boliviano	.6180	Conversion of notes into gold suspended Sept. 23, 1931.
Brazil	Milreis	.0606	Based upon official rate for milreis in terms of the dollar as announced by the Bank of Brazil. Conversion of Stabilization-Office notes into gold suspended Nov. 22, 1930.
British Honduras	Dollar	1.6931	Conversion of notes suspended.
Bulgaria	Lev	.0122	Exchange control established Oct. 15, 1931.
Canada	Dollar	1.6931	Embargo on export of gold, Oct. 19, 1931; redemption of Dominion notes in gold suspended Apr. 10, 1933.
Chile	Peso	.2060	Given valuation is of gold peso. Gold pesos are received for conversion at the rate of 4 paper pesos for one gold peso. Conversion of notes suspended July 30, 1931.
China	Yuan	----------	Silver standard abandoned by decree of Nov. 3, 1935; bank notes made legal tender under Currency Board control; exchange rate for British currency primarily fixed at about 1 s. 2½ d., or about 29½¢ U. S., per yuan.
Hong Kong	Dollar	----------	Treasury notes and notes of the three banks of issue made legal tender by silver nationalization ordinance of Dec. 5, 1935; exchange fund created to control exchange rate.
Colombia	Peso	.5714	Obligation to sell gold suspended Sept. 24, 1931. New gold content of .56424 grams of gold 9/10 fine established by monetary law of Nov. 19, 1938, effective Nov. 30, 1938.
Costa Rica	Colon	.7879	Conversion of notes into gold suspended Sept. 18, 1914; exchange control established Jan. 16, 1932.
Cuba	Peso	1.0000	By law of May 25, 1934.
Czechoslovakia	Koruna	----------	
Denmark	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Dollar	1.6931	U. S. money is principal circulating medium.
Ecuador	Sucre	.3386	Conversion of notes into gold suspended Feb. 9, 1932.
Egypt	Pound (100 piasters)	8.3692	Conversion of notes into gold suspended Sept. 21, 1931.
Estonia	Kroon	.4537	Conversion of notes into gold suspended June 28, 1933.
Finland	Markka	.0426	Conversion of notes into gold suspended Oct. 12, 1931.
France	Franc	----------	Provisions of monetary law of Oct. 1, 1936, providing for gold content of franc, superseded by decree of June 30, 1937, which stated that the gold content of the franc shall be fixed ultimately by a decree adopted by the Council of Ministers. Until issuance of such decree a stabilization fund shall regulate the relationship between the franc and foreign currencies.
Germany	Reichsmark	.4033	Exchange control established July 13, 1931.
Great Britain	Pound Sterling	8.2397	Obligation to sell gold at legal monetary par suspended Sept. 21, 1931.
Greece	Drachma	.0220	Conversion of notes into gold suspended Apr. 26, 1932.
Guatemala	Quetzal	1.6931	Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Honduras	Lempira	.8466	Gold exports prohibited Mar. 27, 1931; lempira circulates as equivalent of half of U. S. dollar.
Hungary	Pengö	.2961	Exchange control established July 17, 1931.
India [British]	Rupee	.6180	Obligation to sell gold at legal monetary par suspended Sept. 21, 1931.
Indo-China	Piaster	----------	Piaster pegged to French franc at the rate of 1 piaster=10 French francs; conversion of notes into gold suspended Oct. 2, 1936.
Ireland	Pound	8.2397	Conversion of notes into gold suspended Sept. 21, 1931.
Italy	Lira	.0526	New gold content of 46.77 milligrams of fine gold per lira established by monetary law of Oct. 5, 1936.
Japan	Yen	.8440	Embargo on gold exports Dec. 13, 1931.
Latvia	Lat	----------	Currency pegged to sterling Sept. 28, 1936, at 2,522 lati=£100.
Liberia	Dollar	1.6931	British money is principal circulating medium.
Lithuania	Litas	.1693	Free export of gold suspended Oct. 1, 1935.
Mexico	Peso	----------	Decree of Aug. 28, 1936, left the monetary unit, the peso, to be later defined by law.
Netherlands and colonies	Guilder (florin)	.6806	Suspension of convertibility of notes into gold and restrictions placed on free gold exports—Sept. 26, 1936; gold export prohibition repealed by decree June 28, 1938; prohibition restored by Act of Nov. 25, 1938.
Newfoundland	Dollar	1.6931	Newfoundland and Canadian notes legal tender.
New Zealand	Pound	8.2397	Conversion of notes into gold suspended and export of gold restricted, Aug. 5, 1914; exchange regulations Dec. 1931.
Nicaragua	Cordoba	1.6933	Embargo on gold exports Nov. 13, 1931.
Norway	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.

[1] Act of June 25, 1938, c. 676, 52 Stat. 1060, U. S. Code, Supp. IV, ti. 29, sec. 201.

[2] Published in 3 F.R. 2531 DI, October 22, 1938.

[3] Published in 4 F.R. 402 DI, January 24, 1939; 4 F.R. 1620 DI, April 15, 1939; 4 F.R. 3328 DI, July 18, 1939; 4 F.R. 4262 DI, October 17, 1939; and 5 F.R. 159 DI, January 11, 1940, respectively.

[4] See next column.

Values of Foreign Monetary Units (at Par as Regards Gold Units; Nongold Units Have No Fixed Par With Gold)—Continued

Country	Monetary unit	Value in terms of U. S. money	Remarks
Panama	Balboa	$1.0000	U. S. money is principal circulating medium.
Paraguay	Peso (Argentine)	1.6335	Paraguayan paper currency is used; exchange control established June 28, 1932.
Persia (Iran)	Rial	.0824	Obligation to pay out gold deferred Mar. 13, 1932; exchange control established Mar. 1, 1936.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932.
Philippine Islands	Peso	.5000	By act approved Mar. 16, 1935.
Poland	Zloty	.1899	Exchange control established Apr. 27, 1936.
Portugal	Escudo	.0749	Gold exchange standard suspended Dec. 31, 1931.
Rumania	Leu	.0101	Exchange control established May 18, 1932.
Salvador	Colon	.8466	Conversion of notes into gold suspended Oct. 7, 1931.
Spain	Peseta		
Straits Settlements	Dollar	.9613	British pound sterling and Straits dollar and half dollar legal tender.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Switzerland	Franc		Order of Federal Council enacted Sept. 27, 1936, instructed the Swiss National Bank to maintain the gold parity of the franc at a value ranging between 190 and 215 milligrams of fine gold.
Thailand (Siam)	Baht (Tical)	.7491	Conversion of notes into gold suspended May 11, 1932.
Turkey	Piaster	.0744	100 piasters equal to the Turkish £; conversion of notes into gold suspended 1916; exchange control established Feb. 26, 1930.
Union of South Africa	Pound	8.2397	Conversion of notes into gold suspended Dec. 28, 1932.
Union of Soviet Republics	Chervonetz	8.7123	
Uruguay	Peso	.6583	Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931. New gold content of .585018 grams of pure gold per peso established by monetary law of Jan. 12, 1938.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.
Yugoslavia	Dinar	.0298	Exchange control established Oct. 7, 1931.

(Sec. 25, 28 Stat. 552; sec. 403, 42 Stat. 17; sec. 522, 42 Stat. 974; sec. 522, 46 Stat. 739; 31 U.S.C. 372)

[F. R. Doc. 40–1413; Filed, April 6, 1940; 10:57 a. m.]

CHAPTER II—OFFICE OF THE COMMISSIONER OF ACCOUNTS AND DEPOSITS

[1940 Department Circular 570 Revised [1]]

PART 226—SURETY COMPANIES

CORPORATIONS ACCEPTABLE AS SURETIES ON FEDERAL BONDS

APRIL 5, 1940.

The following is a list of companies, as of April 1, 1940, holding certificates of authority from the Secretary of the Treasury, issued under the Acts of Congress of August 13, 1894 (28 Stat. 279), and March 23, 1910 (36 Stat. 241), (U. S. Code, Title 6, sections 6 to 13 inclusive), as acceptable sureties on Federal bonds; this list also includes acceptable reinsurance companies under Department Circular No. 297, dated July 5, 1922, as amended. Further details including the amount of underwriting limitation of each company, as well as the extent and localities with respect to which they are acceptable as sureties on Federal bonds may be found at any time by reference to the current issue of Treasury Department Form 356, copies of which may be procured from the Treasury Department, Section of Surety Bonds, Washington, D. C.

[1] 5 F.R. 1080.

Names of Companies, Locations of Principal Executive Offices and States in Which Incorporated.

California

1. Associated Indemnity Corporation, San Francisco.
2. Fireman's Fund Indemnity Co., San Francisco.
3. National Automobile Insurance Co., Los Angeles.
4. Occidental Indemnity Co., San Francisco.
5. Pacific Indemnity Co., Los Angeles.

Connecticut

6. The Aetna Casualty and Surety Co., Hartford.
7. The Century Indemnity Co., Hartford.
8. Hartford Accident and Indemnity Co., Hartford.
9. The Travelers Indemnity Company, Hartford.

Delaware

10. Saint Paul-Mercury Indemnity Co., St. Paul, Minn.

Illinois

11. American Motorists Insurance Co., Chicago.
12. Lumbermens Mutual Casualty Co., Chicago.

Indiana

13. Continental Casualty Co., Chicago, Ill.
14. Inland Bonding Co., South Bend.

Kansas

15. The Kansas Bankers Surety Co., Topeka.
16. The Western Casualty and Surety Co., Fort Scott.

Maryland

17. American Bonding Company of Baltimore.
18. Fidelity and Deposit Co. of Maryland, Baltimore.
19. Maryland Casualty Company, Baltimore.
20. United States Fidelity and Guaranty Co., Baltimore.

Massachusetts

21. American Employers' Insurance Co., Boston.
22. American Mutual Liability Insurance Co., Boston.
23. Liberty Mutual Insurance Co., Boston.
24. Massachusetts Bonding and Insurance Co., Boston.

Michigan

25. National Casualty Co., Detroit.
26. Standard Accident Insurance Co., Detroit.

Missouri

27. Central Surety and Insurance Corporation, Kansas City.
28. Employers Reinsurance Corporation, Kansas City.

New Hampshire

29. Peerless Casualty Company, Keene.

New Jersey

30. Commercial Casualty Insurance Company, Newark.
31. International Fidelity Insurance Co., Jersey City.

New York

32. American Guarantee and Liability Insurance Company, Chicago, Illinois.
33. American Re-Insurance Co., New York.
34. American Surety Co. of New York.
35. Columbia Casualty Co., New York.
36. Eagle Indemnity Co., New York.
37. The Excess Insurance Co. of America, New York.
38. The Fidelity and Casualty Co. of New York.
39. General Reinsurance Corporation, New York.
40. Glens Falls Indemnity Co., Glens Falls.
41. Globe Indemnity Co., New York.
42. Great American Indemnity Co., New York.
43. The Home Indemnity Co., New York.
44. London & Lancashire Indemnity Co. of America, Hartford, Conn.

45. Merchants Indemnity Corporation of New York.
46. The Metropolitan Casualty Insurance Co. of New York, Newark, N. J.
47. National Surety Corporation, New York.
48. New Amsterdam Casualty Co., Baltimore, Md.
49. New York Casualty Co., New York.
50. Phoenix Indemnity Co., New York.
51. The Preferred Accident Insurance Co. of New York.
52. Royal Indemnity Co., New York.
53. Seaboard Surety Co., New York.
54. Standard Surety and Casualty Co. of New York.
55. Sun Indemnity Co. of New York.
56. United States Casualty Co., New York.
57. United States Guarantee Co., New York.
58. The Yorkshire Indemnity Co. of New York.

Ohio

59. The Ohio Casualty Insurance Co., Hamilton.

Pennsylvania

60. Eureka Casualty Co., Philadelphia.
61. Indemnity Insurance Co. of North America, Philadelphia.
62. Manufacturers' Casualty Insurance Co., Philadelphia.
63. Mellon Indemnity Corporation, Pittsburgh.

South Dakota

64. Western Surety Co., Sioux Falls.

Texas

65. American General Insurance Co., Houston.
66. American Indemnity Co., Galveston.
67. Commercial Standard Insurance Co., Fort Worth.
68. Employers Casualty Co., Dallas.
69. Texas Indemnity Insurance Co., Galveston.
70. Trinity Universal Insurance Co., Dallas.

Virginia

71. Virginia Surety Co., Inc., Roanoke.

Washington

72. General Casualty Co. of America, Seattle.
73. Northwest Casualty Co., Seattle.
74. United Pacific Insurance Co., Seattle.

Foreign Companies Authorized To Do a Reinsurance Business Only

75. Accident and Casualty Insurance Co. of Winterthur, Switzerland (U. S. Office, New York, N. Y.).
76. Car and General Insurance Corporation, Ltd., London, England (U. S. Office, New York, N. Y.).
77. The Employers' Liability Assurance Corp., Ltd., London, England (U. S. Office, Boston, Mass.).
78. The European General Reinsurance Co., Ltd., London, England (U. S. Office, New York, N. Y.)
79. The Guarantee Co. of North America, Montreal, Canada (U. S. Office, New York, N. Y.).
80. London Guarantee and Accident Co., Ltd., London, England (U. S. Office, New York, N. Y.).
81. The Ocean Accident and Guarantee Corp., Ltd., London, England (U. S. Office, New York, N. Y.).

[SEAL] JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 40-1424; Filed, April 8, 1940; 11:13 a. m.]

TITLE 36—PARKS AND FORESTS

CHAPTER I—NATIONAL PARK SERVICE

YOSEMITE NATIONAL PARK

AMENDMENT TO SUBSIDIARY REGULATIONS

Pursuant to the authority granted to the Secretary of the Interior by the Act of August 25, 1916 (39 Stat.; 16 U.S.C. 3), and pursuant to the authority granted to the Director of the National Park Service by the Rules and Regulations issued thereunder (1 F.R. 672), paragraph (c) of the subsidiary regulations for Yosemite National Park, approved January 5, 1940 (5 F.R. 197 (DI)), is hereby amended to read as follows, to become effective immediately:

§ 20.16 *Yosemite National Park*

* * *

(c) *Closed roads.* (1) The road between Hetch Hetchy Dam and Lake Eleanor is closed to all motor vehicle travel except vehicles belonging to the United States Government, the State of California, or the City of San Francisco, California.

(2) The access road, approximately eight-tenths of a mile in length, between the new Big Oak Flat Road and the summit of the Coulterville Road grade near Big Meadows, is closed to all motor vehicle travel except vehicles belonging to the United States Government and other vehicles used in connection with the administration, protection, and maintenance of the park.

Approved, April 3, 1940.

[SEAL] ARNO B. CAMMERER,
Director.

[F. R. Doc. 40-1421; Filed, April 8, 1940; 9:24 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 7—RULES GOVERNING COASTAL AND MARINE RELAY SERVICES

The Commission on April 4, 1940, took the following action, effective immediately:

Amended § 7.34,[1] to read:

"Identification of radiotelephone station. The name (geographical location as approved by the Commission) of a coastal harbor station shall be announced upon the completion of each communication with a ship station."*

Amended § 7.36,[2] to read:

"Monitoring before transmitting. Before any signals or communications are transmitted on any frequency, the licensed operator attending a coastal station, or alternately in a coastal harbor station the land-line telephone operator under his supervision, shall first listen on the associated receiving frequency to determine whether transmission by the coastal station will interfere with communication already in progress, whenever the involved frequency or frequencies are assigned to other stations within the same interference area:[3] *Provided,* That this requirement may be waived for individual stations which employ other effective means to avoid interference."*

The following footnote was added to § 7.37, the indicator following the word "called" wherever it appears in the section:

"The term 'called' for this purpose ordinarily means a call by voice. However, the actuation of any device at the coastal harbor which indicates to the operator that a ship station desires to communicate with that particular coastal station is construed to mean that the ship station has called the coastal harbor station."

Amended § 7.76,[2] to read:

"Receiving equipment. The radio equipment of each coastal station must be capable of permitting the reception of signals on the receiving frequency or frequencies, and of the type(s) of emission normally used for the service carried on, prior to the transmission of any signals or communications by the coastal station on the associated transmitting frequency, whenever the involved frequency or frequencies are assigned to other stations within the same interference area:[3] *Provided,* That this requirement may be waived by the Commission for individual stations which employ other effective means to avoid interference."*

Amended the following, to read:

"COASTAL HARBOR STATIONS (GREAT LAKES ONLY)

"Applicable to the Great Lakes Area Only in Addition to All Other Rules"

Amended § 7.101,[2] to read:

"Frequencies. (a) The frequency 2182 kc. is designated as a calling, answering,

[1] 5 F.R. 747.
[2] 5 F.R. 822.
[3] All stations in the Great Lakes region are considered to be in the same interference area.
*Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)—sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c).

and safety frequency for use in the Great Lakes area.

"(b) The frequencies 2514 kc., 2550 kc., and 2582 kc. are designated as working frequencies assignable to coastal harbor stations. These frequencies shall be used for transmitting regular message traffic to ship stations at any point in the Great Lakes area, as follows:

"(1) For transmission to ship telephone stations located on board United States or Canadian vessels and on board vessels of any other country, 2514 kc.

"(2) For transmission to ship telephone stations located on board United States vessels, 2550 kc.

"(3) For transmission only to ship telephone stations located on board Canadian vessels, 2582 kc.

"(c) All coastal harbor stations using one or more of the frequencies 2182 kc., 2514 kc., 2550 kc., 2582 kc. shall coordinate operation so as to avoid interference and make the most effective use of the frequencies assigned.

"(d) The frequency 2738 kc. may be authorized for use by coastal harbor stations only for distress or emergency communication."*

Amended § 7.102,[2] to read:

"Operating procedure. (a) The frequency 2182 kc. is to be used by coastal-harbor stations in the Great Lakes area only for initially calling, answering, and the exchange of operating signals with ship stations to establish communication on a frequency within any of the bands 1600–1700 kc., 2100–2210 kc., or 2734–2742 kc.; for the exchange of messages involving the safety of life or property; and for announcing briefly that a marine broadcast or a traffic list will be transmitted on another frequency. Calling or answering any one station, or any one exchange of safety communications on this frequency, shall not exceed five minutes duration. If the called station has not answered at the end of the five minute period, that station shall not again be called until at least fifteen minutes have elapsed. In the event of emergency or distress, these time limitations are waived. The frequency 2182 kc. may also be used by coastal-harbor stations for emergency communication with other coastal-harbor stations and with government stations.

"(b) Coastal-harbor stations licensed to transmit on one or more frequencies within the band 2500–2600 kc. shall maintain, during their hours of service, an efficient watch on the frequency 2182 kc.

"(c)[4] Each coastal-harbor station shall initially call or answer a ship station on the frequency of 2182 kc. whenever it is desired to establish communication on any working frequency or frequencies within the band 1600 to 3000 kc.: *Provided*, a coastal-harbor station may initially call, on a working frequency, a ship station whenever in the discretion of the coastal-harbor station operator, this is necessary in order to not unduly delay communication. When a coastal-harbor station and a ship station have established communication on the frequency 2182 kc., the coastal-harbor station shall thereafter direct the ship station when to begin transmission on the working frequency with due regard to avoiding interference with any communication already in progress.

"(d) Whenever a radiocommunication is already in progress between a ship and a coastal-harbor station and it appears to be interfered with by a subsequent transmission from another coastal-harbor station, the latter must cease transmitting at the first request of the first coastal-harbor station, except as priority may be otherwise determined by § 8.42. The station requesting this cessation must indicate the approximate length of the wait imposed upon the coastal-harbor station whose transmission is suspended.

"(e) In general, any one exchange of communications with a ship station by a coastal-harbor station transmitting on the frequency 2514 kc., 2550 kc., or 2582 kc. shall not exceed fifteen minutes in duration. In exceptional circumstances, an exchange of telephone communications directly between the ship station and a land-line telephone station via the coastal-harbor station may be continued by direction of the coastal-harbor station beyond the fifteen minute period on condition that other ship-shore traffic is not unduly delayed.

"(f) Insofar as practicable and possible, each coastal-harbor station, when transmitting to a ship station on the frequency 2514 kc., 2550 kc., or 2582 kc. shall receive radiotelephone emissions from the ship station on the following related frequency:

Licensed transmitting frequency:	*Required frequency of reception*
2514 kc	2118 kc.
2550 kc	2158 kc.
2582 kc	2206 kc.

"(g) Information of benefit to mariners on the Great Lakes may be broadcast by coastal-harbor stations on the frequencies 2514 kc. and 2550 kc. Any one regularly scheduled broadcast of safety messages to ships, including weather and hydrographic information, shall not exceed ten minutes duration, and such broadcast shall not take place more than three times each day from any one coast station nor shall there be more than three such broadcasts in the same communication area each day when such area is served by more than one station, except for the broadcast of urgent matter and notices pertaining to ships in distress. Broadcast transmissions of this nature shall be made in accordance with definite schedules approved by the Commission and subject to change whenever deemed necessary or desirable by the Commission.

"(h) Prior to each marine broadcast by a coastal-harbor station, a brief announcement thereof shall be made on the frequency 2182 kc.

"(i) Coastal-harbor stations, when calling a ship station on any frequency within the band 2100 to 2600 kc., shall transmit the type of signal necessary to actuate the receiving equipment known to be installed in the particular ship station and normally used in the ship service for monitoring the coastal-harbor station frequency."*

Added paragraph (d) to § 7.103,[5] as follows:

"(d) Each coastal-harbor station licensed to transmit on any frequency within the band 2100–2600 kc. shall be capable of calling each ship station, authorized to operate on frequencies within the band 2100–2210 kc. on the Great Lakes, by transmitting a generally recognized type of calling signal which is necessary to normally actuate the receiving equipment of the individual ship station when this equipment is being employed in the ship service to monitor the coastal-harbor station transmitting frequency."*

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 40–1422; Filed, April 8, 1940; 10:49 a. m.]

PART 8—RULES GOVERNING SHIP SERVICE

The Commission on April 4, 1940, took the following action, effective immediately:

Amended § 8.51,[1] to read:

"Identification of radiotelephone station. The name of the vessel on which a ship station is located shall be announced at the beginning and upon completion of any radiotelephone communication carried on by such station."*

Amended the following to read:

"SHIP RADIOTELEPHONE STATIONS (GREAT LAKES ONLY)

Applicable to the Great Lakes Area Only[3] *in Addition to all Other Rules"*

Amended § 8.261[3] in part, as follows:

"(d) Unless otherwise directed by the Commission, an application filed for ship station license or modification of ship station license to authorize operation on the Great Lakes within the band 2100–2200 or 2734–2742 kc. shall request assignment of the calling frequency 2182 kc. and one or both of the ship to shore working frequencies 2118 kc. and 2158 kc. When only one of these ship to shore working frequencies is to be specified in the application, for use on the Great

[4] See also § 8.262 (e).

[1] 5 F.R. 747.

[3] As used herein, the term "Great Lakes area" includes the St. Lawrence River west of Montreal, P. Q.

[2] 5 F.R. 823.

[5] 5 F.R. 823.

Lakes, this frequency shall be determined by the gross registered tonnage of the ship on board which the station is located as follows:"*

Amended § 8.262[3] in part, to read:

"(a) Except in the event of emergency or distress, a ship telephone station shall call the particular station with which it is intended to communicate."

"(c) The frequency 2182 kc. is to be used by ship telephone stations in the Great Lakes area only for initially calling, answering and the exchange of operating signals with other ship or coastal stations to establish communication on another frequency within the band 2100–2200 kc. or 2734–2742 kc., and for the exchange of messages involving the safety of life or property. Calling or answering any one station, or any one exchange of safety[4] communications on this frequency, shall not exceed five minutes duration. If the called station has not answered at the end of the five minute period, that station shall not again be called until at least fifteen minutes have elapsed. In the event of emergency or distress these time limitations are waived."

"(e)[5] Whenever a ship station intends to communicate with a coastal harbor station by transmitting on any working frequency within the band 2100–2200 kc., the ship station shall initially call or answer the coastal harbor station on the frequency 2182 kc. unless otherwise directed by the coastal harbor station. The ship station may transmit on 2118 kc. or 2158 kc. only when specifically directed to do so by the coastal harbor station, except as may be otherwise necessary in the event of distress or emergency."*

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40–1423; Filed, April 8, 1940; 10:49 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

Docket No. 342–FD

IN THE MATTER OF THE APPLICATION OF JACKSON IRON AND STEEL COMPANY FOR EXEMPTION

ORDER GRANTING RENEWAL OF EXEMPTION

The Jackson Iron and Steel Company, of Jackson, Ohio, Applicant herein, having on December 28, 1937, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced by the Applicant at its mine located in Jackson County, Ohio and transported by the Applicant to itself for consumption by it in the manufacture of pig iron and for producing steam and heat in the operation of its furnace plant, located at Jackson, Ohio; and

The Commission having, on May 17, 1939, entered an order pursuant to a hearing held on said application at Zanesville, Ohio, on May 24, 1938, in Docket No. 342–FD, ordering that the provisions of Section 4, II (1) of the Bituminous Coal Act of 1937 apply to the bituminous coal produced by Applicant at its mine located in Jackson County, Ohio, and consumed by the Applicant in the business of manufacturing pig iron and producing steam and heat therefor, at its plant located at Jackson, Ohio, and that such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, and further ordering Applicant to apply annually thereafter and at such other times as the Commission may require, for renewal of said order and to file such accompanying reports as will enable the Commission to determine whether the facts as found in said order continue to exist; and

Applicant having, on March 11, 1940, filed with the Director of the Bituminous Coal Division a verified application for renewal of said order, which application contains a statement of the quantity of coal produced by the Applicant during the year preceding the filing of the application for renewal, at its mine located in Jackson County, Ohio, and the portion thereof which was consumed by the Applicant in its manufacture of pig iron and in the generation of steam and heat therefor, and which application also contains a statement that all of the facts set forth in the application of December 28, 1937, remain unchanged;

The Director having determined that the conditions supporting the exemption granted by the order of May 17, 1939, continue to exist;

It is ordered, That the application filed by the Applicant for renewal of said order dated May 17, 1939, be and the same is hereby granted;

Provided, however, That the said order dated May 17, 1939, and the exemption granted thereby, and this renewal of said order, shall automatically terminate and expire:

(1) Unless the Applicant, on or before March 4, 1941, files an application for renewal of said order;

(2) Unless the Applicant, on or before November 4, 1940, files with the Director a verified report for the six month period ending October 4, 1940, containing the following information, which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) The full name and business address of the Applicant, and the name and location of the mine covered by this application;

(b) The total tonnage of bituminous coal produced by Applicant during the preceding six months at such mine;

(c) The total tonnage of such production which was consumed by Applicant, and the nature and purpose of such consumption;

(d) A statement that all of the facts set forth in the application of December 28, 1937, remain true and correct;

(3) Unless the Applicant shall immediately notify the Director upon:

(a) Any change in the ownership of the mine from which the coal in question was produced, or in the ownership of the plant or factory or other facility at which the coal is consumed;

(b) Any change in the agency or instrumentality through which the coal is being produced on the date of this order.

It is further ordered, That the Director at any time, upon his own motion or upon the petition of any interested person, may direct the Applicant to show cause why the exemption granted by the order of May 17, 1939, should not be terminated. Any person filing such a petition shall serve a copy thereof upon the Applicant herein.

Dated April 4, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 40–1412; Filed, April 6, 1940; 10:55 a. m.]

[Docket No. 500–FD]

IN THE MATTER OF THE APPLICATION OF THE COLUMBIA FIRE BRICK COMPANY FOR EXEMPTION

ORDER GRANTING RENEWAL OF EXEMPTION

The Columbia Fire Brick Company of Canton, Ohio, Applicant herein, having on August 5, 1938, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant at its mine located in Tuscarawas County, Ohio and certain bituminous coal produced and transported by the Applicant to itself for consumption by it in the manufacture of fire brick in its plant located at Strasburg, Ohio; and

The Commission having, on February 8, 1939, entered an order pursuant to such application in Docket No. 500–FD, ordering that the provisions of Section 4, II (1) of the Bituminous Coal Act of 1937 apply to the bituminous coal produced by the Applicant at its mine located near Strasburg, in Tuscarawas County, Ohio, which is consumed by the applicant in the manufacture of fire brick, and that such coal shall not be deemed subject to the provisions of Sec-

*Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)—sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c).

[4] For this purpose "safety communications" are construed to be any communications involving the safety of life or property, including communications relating to the safety of navigation on the Great Lakes.

[5] See also § 7.102 (c).

tion 4 of the Bituminous Coal Act of 1937, and further ordering the Applicant to apply annually thereafter, and at such other times as the Commission may require, for renewal of said order, and to file such accompanying reports as will enable the Commission to determine whether the facts as found in said order continue to exist; and

Applicant having, on March 11, 1940, filed with the Director of the Bituminous Coal Division a verified application for renewal of said order, which application contains a statement of the quantiy of coal produced by the Applicant during the year preceding the filing of the application for renewal, at its mine located in Tuscarawas County, Ohio, and the portion thereof which was consumed by Applicant in its manufacture of fire brick, and which application also contains a statement that the facts as set forth in the application of August 5, 1938, remain unchanged;

The Director having determined that the conditions supporting the exemption granted by the order of February 8, 1939, continue to exist:

It is ordered, That the application filed by the Applicant for renewal of said order dated February 8, 1939, be and the same is hereby granted;

Provided, however, That the said order dated February 8, 1939, and the exemption granted thereby, and this renewal of said order, shall automatically terminate and expire:

(1) Unless the Applicant, on or before March 4, 1941, files an application for renewal of said order;

(2) Unless the Applicant, on or before November 4, 1940, files with the Director a verified report for the six month period ending October 4, 1940, containing the following information, which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) The full name and business address of the Applicant, and the name and location of the mine covered by this application;

(b) The total tonnage of bituminous coal produced by Applicant during the preceding six months at such mine;

(c) The total tonnage of such production which was consumed by Applicant, and the nature and purpose of such consumption;

(d) A statement that all of the facts set forth in the application of August 5, 1938, remain true and correct.

(3) Unless the Applicant shall immediately notify the Director upon:

(a) Any change in the ownership of the mine from which the coal in question was produced, or in the ownership of the plant or factory or other facility at which the coal is consumed;

(b) Any change in the agency or instrumentality through which the coal is being produced on the date of this order.

It is further ordered, That the Director at any time, upon his own motion or upon the petition of any interested person, may direct the Applicant to show cause why the exemption granted by the order of February 8, 1939, should not be terminated. Any person filing such a petition shall serve a copy thereof upon the Applicant herein.

Dated, April 4, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 40-1411; Filed, April 6, 1940; 10:55 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 446]

AMENDMENT OF ALLOCATION OF FUNDS FOR LOANS

MARCH 28, 1940.

I hereby amend Administrative Order No. 444, dated March 23, 1940, by changing the project designation "Iowa R9040W1 Marion" appearing therein to read: "Iowa 9040W1 Marion".

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 40-1405; Filed, April 5, 1940; 1:46 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF DETERMINATION AND ORDER RE EMPLOYMENT OF LEARNERS IN THE INDEPENDENT BRANCH OF THE TELEPHONE INDUSTRY AT WAGE RATES LESS THAN THE APPLICABLE MINIMUM

Whereas, the United States Independent Telephone Association, and sundry other parties, made application under section 14 of the Fair Labor Standards Act of 1938, 52 Stat. 1060, and Regulations, Part 522, as amended (Regulations Applicable to the Employment of Learners Pursuant to Section 14 of the Fair Labor Standards Act—Title 29, Labor, Chapter V, Wage and Hour Division) issued by the Administrator thereunder, for permission to employ learners in the independent branch of the telephone industry at wages less than the applicable minimum wage specified in section 6 of the Act; and

Whereas, a public hearing[1] on said applications was held before Gustav Peck, the representative of the Administrator of the Wage and Hour Division duly authorized to conduct the hearing and to determine:

(a) Whether the occupation of switchboard operator in the telephone industry requires a learning period, and if this occupation is found to require a learning period,

(b) the factors which may have a bearing upon curtailment of opportunities for employment in the occupation of switchboard operator in the telephone industry, and,

(c) under what limitations as to wages, time, number, proportion, and length of service special certificates may be issued for the employment of switchboard operators in the telephone industry.

As used in the Notice of Hearing, the term "switchboard operator in the telephone industry" was defined to mean "any switchboard operator employed in a public telephone exchange which has five hundred stations or more," and

Whereas, following said hearing the said Gustav Peck duly made his findings of fact and determined as follows:

"DEFINITIONS

"1. The Independent Branch of the Telephone Industry as referred to herein includes only those companies which are engaged in the commercial operation of telephone exchanges and which are not owned or controlled by the American Telephone and Telegraph Company (Bell System) or its subsidiaries.

"2. Learners are persons who have had less than 320 hours of employment in the Telephone Industry as commercial switchboard operators.

"3. Experienced commercial switchboard operators are persons who have had not less than 320 hours of employment in the Telephone Industry as commercial switchboard operators.

"ISSUE OF SPECIAL LEARNER CERTIFICATES

"4. Special Learner Certificates shall be issued in the Independent Branch of the Telephone Industry upon approval by the Hearings Branch of the Wage and Hour Division of applications submitted on forms which will be furnished on request. Separate applications shall be submitted for separate exchanges.

"5. Approval of an application by the Hearings Branch shall depend upon the applicant showing that at the time of making application experienced commercial switchboard operators are not available to the employer in the community from which the exchange normally employs operators.

"CONDITIONS OF EMPLOYMENT OF LEARNERS UNDER SPECIAL CERTIFICATES

"6. The minimum hourly rate to be provided in the Special Certificate for learners during the learning period shall be not less than 25 cents per hour.

"7. The maximum learning period which may be provided under a Special Certificate issued in this industry shall not extend beyond the first 320 hours of employment in training for and in switchboard operation.

"8. Except under unusual circumstances, as stated in Paragraph 9 below, the number of learners which may be

[1] 4 F.R. 4661.

employed in an exchange at any one time at a subminimum hourly wage under a Special Certificate may not exceed:

'One in exchanges employing up to 8 operators, or

'Two in exchanges employing 9–18 operators, or

'Three in exchanges employing 19–30 operators, or

'Four in exchanges employing 31–44 operators, or

'In exchanges employing 45 or more operators learners in addition to 4 may be employed at less than the minimum rate in the ratio of one learner for each additional 15 operators employed in the exchange.'

"9. If the applicant is faced with circumstances unusual to regular operations or with other exceptional circumstances which it is believed require learners in excess of those provided in Paragraph 8 above, and if such facts are set forth as a part of an application, action shall be taken approving or denying that application in accordance with the facts shown therein.

"10. Learners may be employed under a Special Learner Certificate only if experienced commercial switchboard operators are not available for employment in the exchange covered by such Certificate.

"TERMINATION AND USE OF CERTIFICATES

"11. No certificate shall be valid beyond December 31, 1940.

"12. No learner may be employed at less than the statutory minimum wage rate unless and until a certificate has been issued and a copy is posted and kept posted in the room in which the learner or learners are employed.

"13. Any special certificate issued pursuant to this Determination and Order may be cancelled as of the date of issue if it is found that such certificate was issued when experienced workers were available, or that the applicant knowingly made false or misleading statements in his application, and may be cancelled prospectively or as of the date of violation if it is found that any of its terms have been violated;" and

Whereas, said Findings and Determination were duly filed with the Administrator on March 30, 1940, and are now on file in Room 5144, Department of Labor Building, Washington, D. C., and are there available for examination by all interested parties;

Now, therefore, pursuant to § 522.13 of the aforesaid regulations, notice is hereby given that petitions for review of the action of the said authorized representative may be filed by any person aggrieved by the action of the said authorized representative of the Administrator within fifteen days after the publication of this notice in the FEDERAL REGISTER. Said petitions should be filed in triplicate and should state reasons for the requested review.

Signed at Washington, D. C., this 4 day of April 1940.

PHILIP B. FLEMING,
Colonel, Corps of Engineers.
Administrator.

[F. R. Doc. 40–1406; Filed, April 5, 1940; 2:04 p. m.]

IN THE MATTER OF AMENDMENT OF § 536.2 OF REGULATIONS, PART 536 (AREA OF PRODUCTION), ISSUED UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Whereas § 536.2 of Regulations, Part 536, provides:

"An individual shall be regarded as employed in the 'area of production' within the meaning of section 13 (a) (10), in handling, packing, storing, ginning, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or in making cheese or butter or other dairy products:

(a) If he performs those operations on materials all of which come from farms in the general vicinity of the establishment where he is employed and the number of employees engaged in those operations in that establishment does not exceed seven, or

* * * * *

(d) If he performs those operations on materials all of which come from farms in the immediate locality of the establishment where he is employed and the establishment is located in the open country or in a rural community. As used in this subsection (d), 'immediate locality' shall not include any distance of more than ten miles and 'open country' or 'rural community' shall not include any city or town of 2500 or greater population according to the 15th United States Census, 1930."

Whereas the Administrator desires to determine whether any amendment or amendments to the above § 536.2, as it applies to the handling, packing and storing (but not canning) of all perishable or seasonal fresh fruits and vegetables other than citrus fruits, are necessary to carry out the intent of Congress:

Now, therefore, for the purpose of ascertaining whether any such amendment or amendments are necessary to carry out the intent of Congress and, if so, the nature of the amendment of amendments, notice is hereby given of a public hearing to begin at 10:00 A. M. on May 1, 1940 at Auditorium of Old Interior Department Building, F Street between 18th and 19th Streets, Washington, D. C., before Harold Stein, Assistant Director, Hearings Branch, at which hearing interested parties will be heard on the following question: *"What if any amendment or amendments should be made of § 536.2 of Regulations, Part 536, in respect to the definition of 'Area of Production' for the handling, packing and storing (but not canning) of all perishable or seasonal fresh fruits and vegetables other than citrus fruits."*

Any person desiring to appear at the aforesaid hearing may appear on his own behalf or on behalf of any other person or may file a written statement.

Evidence will be received on all relevant factors, including:

(1) Percentage of plants, employees, and of industry pack now exempt from the Act.

(2) Characteristics of the exempt plant as distinguished from the nonexempt plant, i. e., size, location, distance from within which commodities are obtained from farms, and hourly earnings of employees.

(3) Competition between regions and between the exempt and nonexempt plants locally and on national markets.

(4) Ratio of labor costs to total operating costs in both exempt and nonexempt plants.

(5) Changes in costs as a result of the Fair Labor Standards Act and effect of changes in costs on (a) farmers' prices, (b) prices to consumers, (c) consumption of products, and (d) productivity of labor.

(6) Availability of markets to farmers.

(7) Number of workweeks of more than 44, 42 and 40 hours worked during the past three seasons by exempt and nonexempt plants.

(8) Fluctuations in number of employees and volume of fruit handled from week to week during the past three seasons.

(9) Types of occupational skills required in, and available supply of labor for, both exempt and nonexempt plants.

Anyone desiring to appear must file a notice of intention to do so with the Administrator of the Wage and Hour Division, United States Department of Labor, and should, if he desires a change in the above § 536.2, set forth the amendment which he proposes. He should also indicate the fruit or vegetable concerning which he desires to be heard. The notice of intention to appear must reach the Administrator prior to 4:30 P. M. April 29. If written statements are filed in lieu of personal appearances, they must be received prior to 4:30 P. M. May 1.

Separate time will be allotted at the hearing for the taking of evidence with respect to each fruit or vegetable for the handling, packing or storing (but not canning) of which an amendment of § 536.2 is sought.

Signed at Washington, D. C., this 5 day of April 1940.

PHILIP B. FLEMING,
Colonel, Corps of Engineers.
Administrator.

[F. R. Doc. 40–1408; Filed, April 6, 1940; 10:15 a. m.]

IN THE MATTER OF AMENDMENT OF § 536.2 OF REGULATIONS, PART 536 (AREA OF PRODUCTION), ISSUED UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Whereas, § 536.2 of Regulations, Part 536, provides:

"An individual shall be regarded as employed in the 'area of production' within the meaning of section 13 (a) (10), in handling, packing, storing, ginning, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or in making cheese or butter or other dairy products:

(a) if he performs those operations on materials all of which come from farms in the general vicinity of the establishment where he is employed and the number of employees engaged in those operations in that establishment does not exceed seven, or

* * * * *

(d) if he performs those operations on materials all of which come from farms in the immediate locality of the establishment where he is employed and the establishment is located in the open country or in a rural community. As used in this subsection (d), 'immediate locality' shall not include any distance of more than ten miles and 'open country' or 'rural community' shall not include any city or town of 2500 or greater population according to the 15th United States Census, 1930";

and

Whereas, the Administrator desires to determine whether any amendment to the above § 536.2, as it applies to the packing (but not canning) of citrus fruits, is necessary to carry out the intent of Congress:

Now, therefore, for the purpose of ascertaining whether any such amendment is necessary to carry out the intent of Congress and, if so, the nature of the amendment, notice is hereby given of a public hearing to begin at 10:00 A. M. on April 24, 1940, at Room 3229, United States Department of Labor Building, Washington, D. C., before Merle D. Vincent, Director, Hearings Branch, at which hearing interested parties will be heard on the following question: *"What, if any, amendment should be made of § 536.2 of regulations, Part 536, in respect to the definition of 'Area of Production' for the packing (but not canning) of citrus fruits."*

Any person desiring to appear at the aforesaid hearing may appear on his own behalf or on behalf of any other person or may file a written statement.

Evidence will be received on all relevant factors, including:

(1) Percentage of plants, employees, and of industry pack now exempt from the Act.

(2) Characteristics of the exempt plant as distinguished from the non-exempt plant, i. e., size, location, distance from within which commodities are obtained from farms, and hourly earnings of employees.

(3) Competition between regions and between the exempt and non-exempt plants locally and on national markets.

(4) Ratio of labor costs to total operating costs in both exempt and non-exempt plants.

(5) Changes in costs as a result of the Fair Labor Standards Act and effect of changes in costs on (a) farmers' prices, (b) prices to consumers, (c) consumption of products, and (d) productivity of labor.

(6) Availability of markets to farmers.

(7) Number of workweeks of more than 44, 42, and 40 hours worked during the past three seasons by exempt and non-exempt plants.

(8) Fluctuations in number of employees and volume of fruit handled from week to week during the past three seasons.

(9) Types of occupational skills required in, and available supply of labor for, both exempt and non-exempt plants.

Anyone desiring to appear must file a notice of intention to do so with the Administrator of the Wage and Hour Division, United States Department of Labor, and should, if he desires a change in the above § 536.2, set forth the amendment which he proposes. The notice of intention to appear must reach the Administrator prior to 4:30 P. M. April 22. If written statements are filed in lieu of personal appearances, they must be received prior to 4:30 P. M. April 24.

Signed at Washington, D. C., this 5th day of April, 1940.

PHILIP B. FLEMING,
Colonel, Corps of Engineers,
Administrator.

[F. R. Doc. 40–1407; Filed, April 6, 1940; 10:14 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Fair Labor Standards Act of 1938 are issued under section 14 of the said Act and § 522.5 of Regulations Part 522, as amended, to the employers listed below effective April 9, 1940. These Certificates may be canceled in the manner provided for in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review of the action taken in accordance with the provisions of §§ 522.13 or 522.5 (b), whichever is applicable of the aforementioned Regulations.

The employment of learners under these Certificates is limited to the occupations, learning periods, and minimum wage rates specified in the Determination or Order for the Industry designated below opposite the employer's name and published in the FEDERAL REGISTER as here stated:

Regulations, Part 522, May 23, 1939 (4 F.R. 2088), and as amended October 12, 1939 (4 F.R. 4226).

Hosiery Order, August 24, 1939 (4 F.R. 3711).

Apparel Order, October 12, 1939 (4 F.R. 4225).

Knitted Wear Order, October 24, 1939 (4 F. R. 4351).

Textile Order, November 8, 1939 (4 F.R. 4531).

Glove Order, February 20, 1940 (5 F.R. 714).

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Abe Kahn Halbreich Company, South Poplar Street, Elizabethtown, Pennsylvania; Apparel; Children's Cotton Dresses; 5 percent; October 24, 1940.

Angelica Jacket Company, 1419 Olive Street, Saint Louis, Missouri; Apparel; Service Apparel (Coats, Dresses, Pants, Aprons and allied products); 5 percent; October 24, 1940.

Angelica Jacket Company, 1419 Olive Street, Saint Louis, Missouri; Apparel; Service Apparel (Coats, Dresses, Pants, Aprons and allied products); 50 learners; August 6, 1940.

Milberg & Milberg, Inc., Diller Avenue, New Holland, Pennsylvania; Apparel; Princess Slips; 5 percent; October 24, 1940.

Primrose Bedspread Corporation, 1357 Rodney French Boulevard, New Bedford, Massachusetts; Textile (Tufted Bedspreads); Chenille Bedspreads and Chenille Robes; 5 learners; October 24, 1940.

Primrose Bedspread Corporation, 1357 Rodney French Boulevard, New Bedford, Massachusetts; Textile (Tufted Bedspreads); Chenille Bedspreads and Chenille Robes; 60 learners; August 9, 1940.

Hanover Glove Company, Inc., Hanover, Pennsylvania; Glove; Leather Dress Gloves and Work Gloves; 2 learners; October 24, 1940.

Wells Lamont Smith Corporation, Elsberry, Missouri; Glove; Work Gloves; 7 learners; October 24, 1940.

Wells Lamont Smith Corporation, McMinnville, Oregon; Glove; Work Gloves; 5 learners; October 24, 1940.

Signed at Washington, D. C., this 8th day of April 1940.

GUSTAV PECK,
Authorized Representative
of the Administrator.

[F. R. Doc. 40–1431; Filed, April 8, 1940; 11:54 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates authorizing the employment

of learners at hourly wages lower than the minimum rate applicable under section 6 of the Fair Labor Standards Act of 1938 are issued pursuant to section 14 of the said Act and § 522.5 (b) of Regulations Part 522 (4 F.R. 2088), as amended (4 F.R. 4226), to the employers listed below effective April 9, 1940. These Certificates are issued upon their representations that experienced workers for the learner occupations are not available and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. These Certificates may be canceled in the manner provided for in § 522.5 (b) of the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review of the action taken in accordance with the provisions of § 522.5 (b). The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Joseph M. Stern Company, 2160 Superior Avenue, Cleveland, Ohio; Fabricating; Grass Mats; 2 learners; 6 weeks for any one learner; 25¢ per hour; Grass-Mat Maker; July 6, 1940.

Sun Dance Trading Post, 2541 15th Street, Denver, Colorado; Fabricating; Souvenirs and Curios; 2 learners; 6 weeks for any one learner; 25¢ per hour; Decorator of Novelties; August 17, 1940.

Signed at Washington, D. C., this 8th day of April 1940.

GUSTAV PECK,
Authorized Representative of the Administrator.

[F. R. Doc. 40-1432; Filed, April 8, 1940; 11:54 a. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 370]

IN THE MATTER OF THE APPLICATION OF PAN AMERICAN AIRWAYS COMPANY (OF DELAWARE) FOR AN ORDER FIXING AND DETERMINING THE FAIR AND REASONABLE RATE OF COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH, ON ADDITIONAL FREQUENCIES BETWEEN THE UNITED STATES AND EUROPE IN TRANSATLANTIC SERVICE, PURSUANT TO SECTIONS 406 (A) AND (B) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

The above-entitled proceeding instituted by the Authority for the limited purpose of fixing and determining fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor and the services connected therewith, on a total of three round trips per week between the United States and Europe in transatlantic service, now assigned for hearing on April 10, 1940, is hereby postponed to May 1, 1940, 10 o'clock a. m. (Eastern Standard Time) at the Raleigh Hotel, 12th Street and Pennsylvania Avenue NW., Washington, D. C., before Examiner Francis W. Brown.

Dated Washington, D. C., April 5, 1940.

[SEAL] FRANCIS W. BROWN,
Examiner.

[F. R. Doc. 40-1426; Filed, April 8, 1940; 11:33 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 5th day of April, A. D. 1940.

Commissioners: Ewin L. Davis, Chairman; Garland S. Ferguson, Charles H. March, William A. Ayres, Robert E. Freer.

[File No. 21-341]

IN THE MATTER OF AMENDING THE TRADE PRACTICE RULES FOR THE TUNA INDUSTRY, PROMULGATED MARCH 22, 1940

NOTICE OF HEARING, AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

In respect to the matter of amending the trade practice rules[1] for the Tuna Industry, promulgated March 22, 1940, opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations, groups, or other parties, affected by or having an interest in said rules, or amendment thereof, to present their views to the Commission, including such pertinent information, suggestions, or objections, if any, as they desire to submit, and to be heard in the premises. Among the matters to be considered pursuant to this notice is a suggested amendment providing that Paragraph (a) (1), of Rule 1, of such Tuna Industry rules, be changed to read as follows:

(a) *Fancy Tuna:* (1) The term "Fancy Tuna" as herein used shall be deemed to be the descriptive term for choice cuts of cooked tuna weighing not more than fifty (50) pounds round weight, packed in cans with large pieces of solid meat and with one or two small pieces of solid meat added, if necessary, to bring the contents up to required net weight, and not including any flakes added at the time of packing, nor any tuna which is not of selected choice light color and fine texture.

Written communications of said views, suggestions, or objections, or of other pertinent information, should be filed with the Commission not later than April 25, 1940. Opportunity for oral hearing and presentation will be afforded at 10 a. m., April 25, 1940, in Room 332, Federal Trade Commission Building, Constitution Avenue at Sixth Street, Washington, D. C., to any such persons, partnerships, corporations, associations, groups, or other parties, as may desire to appear and be heard.

After due consideration of all matters presented, the Commission will proceed to final action in the premises.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 40-1425; Filed, April 8, 1940; 11:33 a. m.]

[1] 5 F.R. 1122.

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of April 1940.

[File No. 1-2125]

IN THE MATTER OF WABASH RAILWAY COMPANY 5% NON-CUMULATIVE CONVERTIBLE PREFERRED STOCK B, $100 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 5% Non-Cumulative Convertible Preferred Stock B, $100 Par Value, of Wabash Railway Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Tuesday, May 7, 1940, at the office of the Securities & Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1418; Filed, April 6, 1940; 11:20 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of April, A. D. 1940.

[File No. 1-2749]

IN THE MATTER OF BULLION GOLD AND SILVER MINING COMPANY COMMON CAPITAL STOCK, PAR VALUE 10¢

ORDER WITHDRAWING REGISTRATION OF SECURITIES ON A NATIONAL SECURITIES EXCHANGE

The Commission having instituted a proceeding pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, to determine whether registration of the Common Capital Stock, Par Value 10¢, of the Bullion Gold and Silver Mining Company on the San Francisco Mining Exchange, should be suspended or withdrawn; and

After appropriate notice, a hearing having been held, the trial examiner having filed his advisory report and no exceptions thereto having been taken; and

The Commission having fully considered this matter and having entered its findings herewith;

It is ordered, Pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, that the registration of the San Francisco Mining Exchange of the Common Capital Stock, Par Value 10¢, of the Bullion Gold and Silver Mining Company shall be and the same is hereby withdrawn, effective at the close of business on April 15, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 40-1420; Filed, April 6, 1940; 11:20 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of April, A. D. 1940.

[File No. 1-465]

IN THE MATTER OF CENTRAL COLD STORAGE COMPANY COMMON STOCK, $20 PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

Central Cold Storage Company having applied, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, to withdraw from listing and registration on the Chicago Stock Exchange its Common Stock, $20 Par Value; and

A hearing having been held on said application after appropriate notice; and the Commission having this day made and filed its findings and opinion herein;

It is ordered, That the application of Central Cold Storage Company as to said securities be and it hereby is granted, effective at the close of business on April 15, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 40-1419; Filed, April 6, 1940; 11:20 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of April, A. D. 1940.

[File No. 70-3]

IN THE MATTER OF UNITED PUBLIC UTILITIES CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

United Public Utilities Corporation, a registered holding company, having filed on February 28, 1940 a declaration pursuant to Rule U-12B-1 promulgated under the Public Utility Holding Company Act of 1935 and an amendment thereto having been filed on March 18, 1940; said declaration relating to a loan made by way of an open account advance on February 6, 1940 in the amount of $10,000 by said United Public Utilities Corporation to the Indiana-Ohio Public Service Company, a wholly-owned subsidiary of said declarant; said declaration stating that the open account advance was necessary to satisfy an emergency need of the Indiana-Ohio Public Service Company for cash and that no collateral was or will be accepted by said declarant to secure the advance and no interest will accrue thereon;

The applicant having requested that said declaration be permitted to become effective although said open account advance was made prior to the filing of said declaration;

It appearing to the Commission that it will not be detrimental to the public interest or the interest of investors or consumers to grant the request of the declarant;

It is ordered, That the said declaration filed by United Public Utilities Corporation be and the same is hereby permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 40-1427; Filed, April 8, 1940; 11:42 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of April 1940.

[File No. 7-447]

IN THE MATTER OF PORTLAND GAS AND COKE COMPANY FIRST AND REFUNDING 5% MORTGAGE GOLD BONDS, DUE JANUARY 1, 1940, STAMPED TO INDICATE, AMONG OTHER THINGS, EXTENSION OF THE MATURITY DATE TO JANUARY 1, 1950

ORDER GRANTING APPLICATION

Continuance of unlisted trading privileges on the New York Curb Exchange in the First and Refunding Mortgage 5% Gold Bonds, due January 1, 1940, of Portland Gas and Coke Company having been permitted by action of this Commission on October 1, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule X-12F-2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

It is ordered, Pursuant to Section 12 (f) and 23 (a) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-2 (b) promulgated thereunder, that the determination sought by said application is made and the application is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 40-1428; Filed, April 8, 1940; 11:42 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of April, A. D. 1940.

[File No. 46-173]

IN THE MATTER OF DRESSER POWER CORPORATION, PUBLIC SERVICE COMPANY OF INDIANA, AND MIDLAND UNITED COMPANY

SUPPLEMENTAL ORDER

The Commission having in its Order of October 14, 1939, approved, among other things, the amended application of Dresser Power Corporation, a subsidiary of Public Service Company of Indiana, which is in turn a subsidiary of Hugh M. Morris, Trustee of the Estate of Midland United Company, a registered holding company, filed pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of the Act of the issue and sale of $4,800,000 principal amount of First Mortgage Bonds of Dresser Power Corporation; and

It appearing that Dresser Power Corporation had agreed to pay certain fees

or commissions in connection with the placing of the said bonds and that the amount of the said fees or commissions had not been determined at the time of the hearing on the said amended application of Dresser Power Corporation; and

The Commission in said Order of October 14, 1939, having in the public interest and for the protection of investors and consumers reserved jurisdiction over the payment of any fees or commissions in connection with the placing of the said bonds; and

Dresser Power Corporation having filed a supplemental application setting forth the amount of the fees or commissions which it proposes to pay in connection with the placing of the said bonds; and

It appearing to the Commission that the said fees or commissions of $10,400 for legal services and $5,000 for financial and engineering services, together with expenses amounting to $555.28, which Dresser Power Corporation proposes to pay in connection with the placing of the said bonds, are not unreasonable:

It is ordered, That the reservation of jurisdiction by the Commission over the payment of any fees or commissions in connection with the placing of the said bonds be, and the same hereby is, relinquished;

It is further ordered, That the paragraph numbered "(5)" of the Commission's Order of October 14, 1939, which reads:

"(5) That the Commission reserves jurisdiction over the payment of any fees or commissions in connection with the placing of the bonds."

be, and the same hereby is, no longer in effect.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40–1429; Filed, April 8, 1940; 11:42 a. m.]